

**120 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.36059 of 2019 (O&M)
Date of decision : December 12, 2019**

Hari Parkash Sharma

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Sunny Singla, Advocate for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner submits that though, the petitioner was appointed on regular basis as Physical Training Instructor on 15.04.1983 but his contribution towards the provident funds was deducted w.e.f. 30.06.1990 and the petitioner retired from service on attaining the age of superannuation on 31.12.2012 and after the retirement, only the benefit of the service for which the contribution was deducted has been treated as a qualifying service for computing the pensionary benefits, whereas, the petitioner was entitled for taking into total length of service starting from 15.04.1983 till 31.12.2012 as a qualifying service for the computing the pensionary benefits.

Learned counsel for the petitioner argues that this Court in CWP No.5897 of 2003, titled as “***Prem Chand Tagla and others vs State of Haryana and others***”, decided on 09.01.2019, has granted the similar benefit to the petitioners therein. Therefore, the present petitioner is also entitled for the same benefit.

Learned counsel for the petitioner states that the petitioner has already deposited the contributory provident funds for the period which was not deducted i.e. from 15.04.1983 to 30.06.1990, but still the total length of service has not been taken into account as a qualifying service for the grant of pensionary benefits. Prayer of the petitioner is for issuance of direction to the respondents to grant the pensionary benefits to the petitioner by take into account his total length of service w.e.f. 15.04.1983 till 31.12.2012 as a qualifying service.

Counsel for the petitioner states that for the relief which has been sought in the present writ petition, petitioner has served a legal notice dated 25.03.2019 (Annexure P-6) upon the respondents, which is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the same by passing an appropriate speaking order in accordance with law.

In view of the request made, without expressing any opinion on the merits of the case or the claim being made by the petitioner, the respondents are directed to decide the legal notice dated 25.03.2019 (Annexure P-6), by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order. In case after the decision, it is found that the petitioner is entitled for any monetary benefit, the same shall also be released to him within a period of next three months.

Present writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

December 12, 2019

sarita	
Whether speaking / reasoned	Yes
Whether Reportable:	No